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**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

VIVANDE INC.,)	Case No. C-05-02117-MJJ
)	
Plaintiff,)	GRANTED
)	
v.)	<u>STIPULATION TO DISMISS AND ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

It is hereby stipulated by and between plaintiff and defendant, through the defendants' undersigned counsel, that this matter be dismissed with prejudice, each to bear their own costs and attorneys' fees.

KEVIN V. RYAN
United States Attorney

/s/ David Porter
DAVID PORTER
Attorney for Plaintiff

/s/ Thomas Moore
THOMAS MOORE
Assistant United States Attorney
Tax Division
Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 4/11/2006


UNITED STATES DISTRICT JUDGE